



# King County Superior Court

## Civil Department Manual

Version 1.1

Revised: November 2009

The purpose of this manual is to describe current procedures in civil cases. The manual provides a general overview and is not a substitute for policies, procedures, court rules, case law and statutes that are detailed elsewhere.

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# 1 Introduction

Since 1996, King County Superior Court has had an Individual Calendaring (IC) system for most civil cases. At filing, the clerk automatically assigns the case to an individual assigned judge and issues a case schedule and trial date. The case schedules differ by case type, with standard civil cases having the longest case schedules (17.5 months to trial) and family law (under 12 months) and de novo trials (4 months) having some of the shortest. All trial courts are assigned a civil caseload with the exception of the Chief Criminal and Chief MRJC Judge, Juvenile Judges, the drug court judge and the UFC Judges. The assigned judge is responsible for managing the case (including hearing all motions) through resolution; although it is presumed that criminal department judges will not try civil cases. Non-assigned are either heard in the Ex Parte and Probate Department or are sent to the Chief Civil Judge or the Chief MRJC Judge for either resolution or for assignment to an IC judge.

The key aspects of the IC system of case management are:

- Court control of critical events and trial dates;
- Case schedules that establish intermediate case progress events;
- Differentiated case management so that complex cases receive longer case schedules;
- Tight court control of continuances;
- Consistency in handling so that one judge issued all rulings in a case and counsel knew early on who their judge was; and
- Trial date certainty.

The governing principles are:

- The court, not the parties, manages the schedule;
- A problem spotted early on is a problem that can be solved;
- Trial date certainty produces settlement;
- Consistency of judicial ruling produces settlement;
- Most cases benefit from ADR; and
- Failure to adhere to these principles will backlog cases, increase delay and inflate costs.

## **Revisions to the Civil Department Manual:**

- Chief Civil Judge approval: The Chief Civil Judge shall determine if immediate revisions to the Civil Department Manual are required.
- Executive Committee: The Chief Civil Judge shall determine if revisions to the Civil Department Manual must be brought to the Executive Committee for approval.

This Civil Department Manual was approved by the executive committee on November 3, 2009.

## **2 Help and Contact Information**

### **ECR and SCOMIS**

For questions regarding access and training: please e-mail [ECR@kingcounty.gov](mailto:ECR@kingcounty.gov)

For corrections or problems found on record in either ECR and/or SCOMIS: please e-mail [ECRCorrections@kingcounty.gov](mailto:ECRCorrections@kingcounty.gov)

### **E-Filing**

For E-filing questions and problems, or for training, please phone 205-1600.

[Superior Court Local Rules](#)

[Superior Court Clerk](#) (Department of Judicial Administration)

### **3 Definitions, Acronyms & Abbreviations**

There are several terms that are unique to civil case management. The following sections provide definitions for commonly used terms, acronyms, and abbreviations.

#### **3.1 Definitions**

Below are definitions for commonly used terms:

##### **Arbitration**

The hearing and settlement of a dispute between opposing parties by a private third party whose decision the parties have agreed to accept. The decision may be binding pursuant to the contract.

##### **Assigned Judge (I.C. Judge)**

The judge who presides over cases assigned to him/her by the clerk at the time of filing, and who conducts trials, motions, and conferences, or otherwise manages the cases assigned to him/her. The term now used is Assigned Judge. Civil cases are assigned at time of filing to judges in both the civil and criminal departments.

##### **Caseflow Committee**

A committee facilitated by the Chief Administrative Officer that governs policy decisions related to case flow in all areas of the Court. Standing committee members include the Presiding Judge, the Chief Civil Judge, the Chief Criminal judge, the Chief MRJC Judge, the Chief UFC Judge, the Chief Juvenile Judge, the Chief Administrative Officer, and the Director of Judicial Administration. Case Schedule changes are approved by this committee as are rule changes that may have impact on case flow.

##### **Chief Civil Judge**

The Chief Civil Judge is appointed by the Presiding Judge to manage the Civil Department of the Court. The Chief Civil Judge presides over trial assignments, facilitates the Civil Department monthly meetings, and sets policy and procedures for the effective running of the Civil Department.

##### **Ex Parte**

A proceeding brought for the benefit of one party only, without notice to or challenge by an adverse party.

##### **Ex Parte and Probate Department**

The Superior Court department which hears ex parte and probate proceedings, as well as a variety of short matters, such as unlawful detainer actions, guardianship, and probate cases. For a fuller description of the Ex Parte and Probate Department, see [LCR 40 and 40.1](#).

##### **Ex Parte Via the Clerk**

Superior Court requires certain *ex parte* and probate matters to be presented through the Clerk's Office in writing, without oral argument. Matters that previously could be presented either to the Ex Parte and Probate Department or to the assigned judge now must be presented to the Ex Parte and Probate Department. Matters that only assigned judges may decide will remain with the assigned judge. Please see section 8 (Ex Parte and Probate Department) for details.

**Family Law Facilitator Program**

The Family Law Facilitator Program at King County Superior Court provides information and referrals to family law litigants who are not represented by attorneys.

**Mandatory Arbitration**

A court program that mandates the hearing and settlement of a dispute involving a money judgment of \$50,000 or less, pursuant to [RCW 7.06](#).

**Mandatory Joint Trial Readiness**

The mandatory form outlining trial readiness.

**Pretrial Conference**

A conference held before trial at which the judge and parties discuss the readiness of the case for trial and the court's trial procedures. [CR 16](#) and [LCR 16](#)

**Stay**

Halting a judicial proceeding by court order. Any court that orders a stay must set a review date or require the submission of a written status report on a specific date in the future.

**Trial Assignments**

The process by which cases are assigned for trial. Trial Assignment occurs on Thursday for trials scheduled for the following Monday. The trial assignments process includes finding a court for trials for civil cases assigned to criminal judges, dependency and termination trials not able to be handled by the Dependency Judge, and any trials not able to be heard by the assigned judge. See section 16 (Trial Assignments).

**Trial Assignments Coordinator**

The court staff person who assists in the trial assignments process and oversees the distribution of certain trials to other court departments.

**Trial De Novo**

A trial de novo is a completely new trial held in Superior Court as if the original trial in the court of limited jurisdiction had never taken place.

**UFC Civil Case Specialist**

UFC Civil Case Specialists maintain Unified Family Court's civil case management and assist in assigning trials.

### 3.2 Acronyms & Abbreviations

This table below contains acronyms and abbreviations commonly used in civil case management.

Civil Case Acronyms & Abbreviations	Meaning
ACS	Amended Case Schedule
ADR	Alternative Dispute Resolution
CCC	Chief Civil Clerk
CCS	Civil Case Specialist
CJ	Confirmation of Joinder
CLOD	Clerk's Order of Dismissal
DJA	Department of Judicial Administration
ECR	Electronic Court Records
FCS	Family Court Services
IC	Individual Calendar
JCR	Judicial Conference Room
JIS	Judicial Information System
JSR	Joint Status Report
KCMS	King County Civil Case Management System
LCR	Local Civil Rule
MAR	Mandatory Arbitration Rules
MRJC	Maleng Regional Justice Center
NJD	Non-Judicial Day
PJ	Presiding Judge
SCOMIS	Superior Court Management Information System



## **4 Workload Protocol & Policies**

Reserved

## **5 Summary of Duties**

### **5.1 Bailiff Duties**

Reserved.

### **5.2 Court Clerk Duties**

Reserved.

### **5.3 Trial Assignment Coordinator Duties**

The Trial Assignment Coordinator duties include:

- Prepares a list of ready civil standby cases to be reassigned at the weekly Trial Assignments meeting
- Notifies courts of case reassignments following Trial Assignments meeting
- Updates the Civil Trial Assignments list on the Superior Court's web page and the Trial Assignments Hotline
- Maintains a list of trials six days or longer and requests volunteer civil judges for pre-assignment of these trials
- Responds to phone calls and e-mails from bailiffs, clerks, attorneys, and judges regarding standby trials
- Communicates with Chief Judges and department staff about trial assignment priorities
- Fields questions from bailiffs and staff about the trial assignment process
- Updates trial assignments in KCMS after trials have been assigned
- Determines pro tem coverage needs
- Communicates with Juvenile Court about juvenile trials that require assignment to an available civil judge
- Otherwise facilitates the flow of civil cases to trial

## 6 Order Setting Case Schedule

### 6.1 Original Case Schedule

The original case schedules are produced, issued and maintained by the Clerk's Office. The Clerk's Office currently issues numerous types of case schedules with court-approved deadlines and specified lengths. The format of a case schedule is contained in [LCR 4](#).

The original case schedule includes an attachment entitled "Order on Assignment" that gives parties more information on setting hearings and completing [LCR 16](#) requirements.

**Reference Document:** Case Schedule Handbook

### 6.2 Order on Assignment

There are two kinds of Orders on Assignment. One is for domestic relations cases with children and the other is for all other cases assigned a case schedule. These orders provide detailed instructions regarding court requirements for trial, joint pretrial reports, etc.

A Case Schedule is issued at filing for the vast majority of cases filed. For each case assigned a case schedule, an Order on Assignment is also issued at the time of filing. This order generally describes the case schedule events and responsibilities of the parties in civil cases, including how to set motions. It is the responsibility of the plaintiff/petitioner to serve this Order, along with the Case Schedule, on other parties in the case. A judge is randomly assigned by the clerk at time of filing and issuance of the Case Schedule.

**Reference Document:** [Order on Assignment](#)

**Reference Document:** [Generic Case Schedule](#)

### 6.3 Amended Case Schedule

After the issuance of the initial case schedule, the assigned judge (not the Clerk's Office) takes control of any changes, amendments, or revisions to the deadline events.

Any change to the trial date after the initial schedule has been issued requires that an amended case schedule be issued. The amended case schedule may be submitted by parties for court approval or be generated by the assigned judge's court pursuant to [LCR 4\(d\)](#); [LCR 40\(d\)\(3\)](#).

The Department of Judicial Administration has produced a Case Schedule Handbook for the court's use which includes a sample of all the case schedules issued for the court.

**Reference Document:** [Amended Case Schedule Sample](#)

## **7 Case Flow Monitoring**

### **7.1 Confirmation of Joinder**

For cases that follow the Civil Case Schedule, plaintiff/petitioner(s) are required to file a document informing the court of the status of the case. This document may be the Confirmation of Joinder or Statement of Arbitrability, or in domestic cases, the Confirmation of Issues. See [LCR 4.2](#).

The Arbitration Department will verify that the case is ready for mandatory arbitration and the filing fee has been received.

The Clerk's Office will verify whether the parties have complied with the Case Schedule.

### **7.2 Show Cause Hearing**

Individual judges may set show cause hearings at their discretion.

### **7.3 Family Law Status Conference/Non-compliance Calendar**

In family law cases, the petitioner is required to file a confirmation of issues signed by all parties within 117 days of filing the action. The parties also alert the court as to whether there are parenting plan issues. If no document is filed or if there are issues, a status conference may be set before a UFC judge. Pro se parties may refer to the Facilitator's Office for forms. Family law facilitators may not give legal advice. If one or more of the parties fails to appear at the status conference, the court may set a non-compliance hearing.

## 8 Ex Parte and Probate Department

The Ex Parte and Probate Department was established to hear and decide a wide variety of legal matters in a prompt, convenient, and relatively informal manner. It is staffed by constitutional court commissioners, courtroom clerks, and a court coordinator/GAL registry manager.

The court coordinator is responsible for administrative duties. The court commissioners do not specialize, but instead hear all matters assigned to the department.

Adoptions, probates, guardianships, evictions, and temporary civil/family restraining orders are the types of matters normally presented in the Ex Parte and Probate Department. Certain Family Law matters may be brought to the Ex Parte and Probate Department, the remainder are heard on Family Law calendars. Please see [LCR 40.1](#) for a complete outline of matters normally presented in the Ex Parte / Probate Department.

The Ex Parte and Probate Department is open from **9:00 am to 12:00 noon** and from **1:30 pm to 4:15 pm** every day although hours when specific motions are heard vary (for schedule see the [Ex Parte and Probate](#) web page). Each hearing should not take more than ten (10) minutes. If a hearing is expected to last longer than 10 minutes, the commissioner may either continue it or certify the matter for trial before a judge.

### 8.1 Ex Parte via the Clerk

Superior Court will require certain Ex Parte and Probate matters to be presented through the Clerk's Office in writing, without oral argument. Matters that previously could be presented either to the Ex Parte and Probate Department or to the assigned judge now must be presented to the Ex Parte and Probate Department. Some matters that only assigned judges may decide will remain with the assigned judge.

The Clerk's office has created The Ex Parte and Probate Department Presentation of Motions and Hearings Manual ("Motions and Hearings Manual"). This manual contains a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicates which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the Clerk's office. The Motions and Hearings Manual is available online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) and in paper form through the Clerk's office and the Ex Parte and Probate Department. See [LCR 40.1](#)

## 9 Mandatory Arbitration

Mandatory Arbitration, pursuant to [RCW 7.06](#), applies to cases where “the sole relief sought is a money judgment, and where no party asserts a claim in excess of... fifty thousand dollars, exclusive of interest and costs...” ([RCW 7.06.020\(1\)](#)) except by written stipulation of parties authorizing the arbitrator to award any relief in any amount ([MAR 8.1\(b\)](#)). Cases may not be bifurcated.

Plaintiff or defendant may move cases into arbitration by filing a Statement of Arbitrability and paying the arbitration filing fee before the case schedule deadline as long as all parties have been joined and all pleadings have been filed. After the case schedule deadline for filing a Statement of Arbitrability has passed, parties must obtain an order from the assigned judge transferring the case to arbitration. **The order is not effective until the filing fee is paid.**

Once a case has been assigned to an arbitrator, all motions in that case are heard by the arbitrator with the following exceptions:

- Dispositive motions such as motions for summary judgment and involuntary dismissal motions
- Motions challenging arbitrability or venue
- Motions to amend a pleading to add or change a party
- Motions to return a case to the trial calendar
- Motions regarding the qualifications of an arbitrator

Motions amending a complaint to add or change a party should contain language removing the case from arbitration **until** the party has been joined and has answered. Orders removing a case from arbitration should also contain language that reinstates the Case Schedule. In the alternative, parties may petition the assigned judge or the Chief Civil/MRJC department if there is no assigned judge, for an Amended Case Schedule. The case may be returned to arbitration after the filing of an Amended Complaint by order of the assigned judge. A new fee does not have to be paid.

An aggrieved party may file a Request for Trial de Novo provided they have participated at the hearing, timely filed the request, and paid the required fee. The Clerk will issue an accelerated (120 days) case schedule. ADR is required in all de novo trials. [LMAR 7.1\(c\)](#).

## 10 Motions

Motions not subject to presentation in the Ex Parte & Probate Department are presumptively handled by the assigned judge. These include non-dispositive motions noted under [LCR 7](#) and dispositive motions under [CR 56 and CR 12](#).

Civil motions on unassigned cases are either presented in the Ex Parte & Probate Department or to the Chief Civil Judge or the Chief MRJC Judge. Post-judgment collection matters and supplemental proceedings are handled by either the Chief Civil Judge or the Chief MRJC Judge.

### 10.1 Motions with Oral Argument

Timelines for motions with oral argument:

Motion	Summary	Rule
Summary Judgment	<ul style="list-style-type: none"><li>• Motion must be filed 28 days before hearing</li><li>• Hearing date must be fourteen days before trial</li><li>• Response is due eleven days before hearing.</li><li>• Reply is due 5 days before hearing</li></ul>	<a href="#">CR 56</a> <a href="#">LCR 56</a>
Dismissal for Failure to State a Cause of Action	<ul style="list-style-type: none"><li>• Dispositive motion; moving party is entitled to oral argument if requested</li></ul>	<a href="#">LCR 7</a> (unless matters outside pleadings are to be considered, in which case see <a href="#">CR 12(b)(6)</a> for applicable <a href="#">CR 56</a> deadlines)
Temporary Restraining Order (TRO) and Preliminary Injunction	<ul style="list-style-type: none"><li>• Moving party contacts bailiff for preliminary injunction hearing date and then requests a TRO in the Ex Parte and Probate Department</li><li>• A TRO is generally valid for fourteen days except as the Court might otherwise authorize</li></ul>	<a href="#">CR 65</a> ; <a href="#">LCR 65</a>

Motion	Summary	Rule
Orders to Show Cause and Return Hearing Dates	<ul style="list-style-type: none"> <li>• Generally, where the return on order to show cause is before an assigned judge, the moving party shall obtain a date for the return hearing from the assigned judge's staff BEFORE appearing in the Ex Parte and Probate Department</li> <li>• Examples of show cause orders requiring return dates (return date may or may not be before assigned judge) include those for: <ul style="list-style-type: none"> <li>○ prejudgment writs of attachment</li> <li>○ setting aside default judgments</li> <li>○ contempt hearings</li> </ul> </li> </ul>	<a href="#">LCR 7(b)(9)</a>  <a href="#">LCR 40(b)(2)(R);</a> <a href="#">RCW 6.25</a>  <a href="#">LCR 55;</a> <a href="#">LCR60(e)(1)</a>  <a href="#">RCW 7.21</a>
Revision of Commissioner's Ruling	<ul style="list-style-type: none"> <li>• Motions for revision must be filed and served within ten days of entry of written order with the assigned judge or, if unassigned, with the Chief Civil Judge in Seattle or the Chief Judge in Kent who will assign a judge to hear the matter</li> <li>• Moving party is responsible for contacting the court to obtain hearing date and time</li> <li>• Hearing date must be within 21 days of date commissioner's order is entered</li> <li>• Written notice of hearing must give the other parties at least six days notice of time, date, place of hearing</li> <li>• Working copies of the motion, notice for hearing, and all materials considered by commissioner should be submitted to the reviewing court no later than five days before the hearing date</li> <li>• Oral argument on a motion for revision is limited to ten minutes per side.</li> </ul>	<a href="#">LCR 7(b)(8);</a> <a href="#">RCW 2.24.050</a>



## 10.2 Motions Without Oral Argument

Most motions heard before the assigned judge without oral argument are governed by [LCR 7](#).

Motions heard by the assigned judge:

- Motions for default and default judgment, unless required to be presented in the Ex Parte & Probate Department
- Discovery motions
- Motions for protective order (usually in connection with discovery)
- Motions to continue trial date ([LCR 40\(d\)](#))
- Motions to amend case schedule
- Motions to set aside a default or dismissal following show cause order obtained in Ex Parte and Probate Department
- Motions to transfer a case into or out of arbitration
- Motions to reconsider. No motion for reconsideration will be granted without a response; a response shall be filed only when requested by the Court ([LCR 59](#) and [CR 59](#))
- Motions to Seal

See also [LCR 40](#) for additional motions.

Route to Chief Civil or Chief MRJC Judge:

- Motions to transfer a case into or out of arbitration ONLY if trial date has passed.
- Motions to consolidate cases assigned to different judges
- Motions to change case assignment area
- Motions to assign a judge

Requests for oral argument should be directed to the assigned judge ([LCR 7](#)).

## 11 KCMS Download Schedule

Cases are automatically downloaded from SCOMIS into KCMS on a schedule that is based on cause of action and trial date. All cases are not in KCMS at time of filing because the volume of cases would be difficult to manage.

In addition to the automatic download, cases may be manually requested for download at any time after filing. Some cases are on a short schedule based on their cause of action and are not part of the monthly automatic download. The process for downloading those cases is described in the "Manual Download" subsection below.

NOTE: Cases that are already in KCMS based on the cause number will not be downloaded in the monthly download.

### 11.1 Monthly Download

Cases are downloaded from SCOMIS into KCMS each month. DJA staff provides a file to SC Computer Services. This file includes cases based on the following criteria:

- Cases with a trial date
- Cases with an assigned judge

Cases are set for trial based on the following download schedule:

Nature of Case	Download Before Trial Date	Time from Filing to Trial
Administrative Law Review	3 months	7 months
Civil	9 months	17.5 months
Condemnation	4 months	8 months
Domestic	6 months	11 months
Paternity	5 months	10.5 months
Domestic Modification/ Parenting Plan	6 months	11 months
Land Use Appeals	4 month	5 months

DJA sends the data file to Superior Court Information Technology (SCIT) on the 2<sup>nd</sup> Tuesday of each month. SCIT reviews the file and will complete the download process no later than the 3<sup>rd</sup> Tuesday of each month.

### 11.2 Daily Downloads

In addition to the monthly download, users may request a case using the "Request Case" feature in KCMS at any time after filing.

Cases that are on a short schedule will be requested for download by DJA staff. Below is a chart that details the process for each Cause of Action:

<b>Schedule Description</b>	<b>Schedule Code</b>	<b>SCOMIS Code</b>	<b>Case Types</b>	<b>Cause Codes</b>
Trial Date Only (30, 60, 90)	TDO	*ORSCS	2,3,4,5	
Paternity Rescission/Challenge	PRC	*ORSCS	5	PAT
Drug Related Property Forfeiture	PROF	*ORSCS	2	SPC, SPR
Domestic Relocation	DREL	*ORSCS	3 5	DIC, DEP, MOD, INV, CUS, PPS PAT, MOD
Arbitration Trial De Novo	CRTD	*ORSCS	2	COL, COM, CON, FOR, LUP, PFA, MED, MER, MAL, TMV, PIN, MSC, TTO, PRP, WDE
Small Claims	SC	NTAS	2	ALR, DOL
Minor Parents Support	DTBK, DTBS	*ORSCS	3	PPS
License Revocation Appeal	DOLA	*ORSCS	2	DOL
RALJ - Criminal	RACR	*ORSCS	1	CRM
RALJ - Civil	RACV	*ORSCS	2	LCA, LCI

### 11.3 Cases Not Downloaded

The following case types or causes of action are not included in the monthly download although they may be requested using the "Request Case" feature.

- Case Type 6 & 8 (involuntary commitment, juvenile criminal)
- Trial by Affidavit
- Adoptions
- Truancy
- ARY/CHINS
- DV Protection Orders
- Dependencies
- Terminations

## **12 Case Reassignments**

There are several ways a case may be re-assigned from one court to another. Most often, the assigned judge will either recuse or sign an affidavit of prejudice.

Once the assigned court makes a determination that a case should be reassigned, the original orders and all working papers for pending motions must be routed to the Chief Civil Judge for Seattle cases and the Chief MRJC Judge for Kent cases. The specifics of each process are outlined in the subsection below.

Along with the original orders, pre-addressed envelopes to all counsel and a note should be included explaining any special issues with the case - such as trial date imminence. The Chief Civil or Chief MRJC Judge's bailiff files the original affidavit of prejudice, recusal, or change of case assignment order with the clerk.

The Chief Civil Clerk will process the Order on Re-assignment, update the case in KCMS and mail copies of the Order of Re-assignment to the parties and receiving judge.

### **12.1 Recusal/Conflict Checks**

Each month courts with a civil and UFC caseload will receive a Conflicts Check Report. The report is a list of cases that were recently downloaded into KCMS and are approaching their trial date. The report is intended to be a proactive approach for the court to consider recusal from a case where the judge has a conflict.

If a judge recuses from a case, that court must prepare and sign a recusal order, and the bailiff must send the recusal order to the Chief Civil or Chief MRJC Judge so that the case can be re-assigned.

### **12.2 Affidavit of Prejudice**

Upon the signing an affidavit of prejudice, route the original order to the Chief Civil or Chief MRJC Clerk.

### **12.3 Changing Case Designation (SEA to KNT, KNT to SEA)**

Motions to change case designation on civil cases must be heard by the Chief Civil or Chief MRJC Judge.

### **12.4 Judicial Rotation**

When judges rotate between locations or to/from the UFC department, civil caseloads that have trial dates beyond the date of the rotation will be re-assigned. See Section 18 for more information.

**12.5 Post Resolution Issues**

If a case resolves before the trial date, orders to vacate the dismissal or judgment would be set before the assigned judge. If that judge has rotated to a different courthouse, he/she has the option to retain jurisdiction over the case or can send it to either the Chief Civil Judge or Chief MRJC Judge for re-assignment.

If a dismissal or judgment is vacated and the last assigned trial date has not passed, the case will be reopened and set for that trial date. The court may move the trial date by issuing an amended case schedule. If the trial date has passed, the court should set a new trial date and issue an amended case schedule.

Collection issue hearings and supplemental proceedings on default judgments should be set with the Chief Civil or Chief MRJC judge.

## **13 Consolidation of Cases**

Motions to consolidate cases should be made to the Chief Civil Judge or the Chief MRJC Judge. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

RULE: [LCR 40\(b\)\(4\)](#)

If the motion is to consolidate two or more cases that are assigned to the same judge, the assigned judge shall consider the motion.

If the motion is to consolidate a KNT case with a SEA case under a Seattle case designation, then the Seattle Chief Civil Judge shall consider the motion. If the motion is to consolidate a KNT case with a SEA case under a Kent case designation, then the Kent Chief Civil Judge shall consider the motion.

Cases that are sealed cannot be consolidated into non-sealed cases.

## **14 Alternative Dispute Resolution (ADR)**

Alternative Dispute Resolution is required by most case schedules pursuant to [LCR 16\(b\)](#). There are several options for the parties to engage in ADR.

### **14.1 Volunteer Settlement Conference Program**

50-60 attorneys experienced in family law serve as settlement masters on a no fee basis to do ADR. Interested parties/counsel may schedule an appointment by calling:

**Seattle cases:** (206) 205-6770 on Thursdays and Fridays  
**Kent cases:** (253) 852-2345 Monday through Friday  
(except 1:00 p.m. - 2:00 p.m.)

Program participants will receive a letter confirming the date, time and magistrate. The letter will also specify the information parties need to provide to the magistrate in advance of the settlement conference. Space is available at both courthouses to conduct the settlement conferences, although more than half are conducted in other locations such as attorneys' offices.

This service is provided FREE OF CHARGE.

### **14.2 Settlement Conferences Heard by Superior Court Judges**

There are several King County Superior Court Judges who agree to hear settlement conferences in both civil and family law cases. The list is available on the website at <http://www.kingcounty.gov/courts/SuperiorCourt/civil/setconf.aspx>

### **14.3 Private ADR**

To fulfill the ADR requirement, parties to a case may also engage in ADR with a number of private mediation, arbitration and settlement organizations, law firms, and/or attorneys.

## 15 Pretrial Management

Depending on the court's individual practice, pretrial preparation may consist of requiring parties to file a Joint Confirmation Regarding Trial Readiness and/or scheduling pretrial conferences and requiring the completion of an Order on Pretrial Conference.

### 15.1 Joint Confirmation Regarding Trial Readiness

The confirmation process does not require a hearing but relies on the parties to submit a Joint Confirmation Regarding Trial Readiness that sets forth their trial readiness.

Approximately six weeks before trial the bailiff sends the parties a Pretrial Order and Order Requiring Completion of Counsel/Party(ies) Joint Confirmation of Trial Readiness that contains deadline dates for pretrial events. [LCR 4 and LCR 16](#)

This order directs completion of a Joint Confirmation Regarding Trial Readiness that requests the following information:

- Jury or non-jury
- Length of trial
- Experts
- Interpreters and language
- Possible scheduling conflicts with the parties, counsel, or if there are parties traveling from out of town

The Joint Confirmation Regarding Trial Readiness must be completed by the parties and submitted to the court three weeks before trial.

The original shall be filed with the Clerk's Office and a copy provided to the assigned court.

The information on the Joint Confirmation Regarding Trial Readiness must be entered into KCMS. Both documents may be generated by KCMS.

**Reference Document:** [Pretrial Order and Order Requiring Completion of Counsel/Party\(ies\)](#)

**Reference Document:** [Joint Confirmation of Trial Readiness Sample](#)



**15.2 Pretrial Conferences**

Pretrial conferences are scheduled by the court at the court's discretion and usually occur six weeks before the trial date. Approximately 30 days before the date of the conference, the bailiff should prepare and send the parties an Order Setting Pretrial Conference that will set the specific date and time for the conference.

The conference will be held in the courtroom of the assigned judge or by telephone if the judge prefers. The court may require that counsel arrange the telephone conference by getting all counsel/parties on the line and then calling the court.

If done by telephone, the bailiff may send a blank Order on Pretrial Conference in advance along with the Order Setting Pretrial Conference, and counsel can fill in their copies while conferring with the judge. Both orders may be generated by KCMS.

Following the Pretrial Conference, details of the order shall be entered into KCMS. The original order shall be filed with the Clerk's Office.

**Reference Document:** [Order Setting Pretrial Conference Sample](#)

**Reference Document:** [Order on Pretrial Conference Sample](#)

## **16 Trial Assignments**

When the assigned judge is not able to hear an assigned trial, the trial may be reassigned to another judge. This reassignment process is known as "Trial Assignments."

The trial assignment process requires the individual trial courts to communicate their availability to the Trial Assignment Coordinators (Coordinators) and to keep their cases updated in KCMS. Cases that the assigned court cannot hear must be placed on standby status in KCMS.

Each week the Coordinators will produce a Trial Assignment Calendar that consists of all cases placed on standby. This calendar and the judicial availability are the tools the Coordinators and the Chief Judges use to determine case assignments.

### **16.1 Judicial Availability**

Each week the Coordinators will send an e-mail inquiring about each court's availability. Each court shall advise the Coordinators of the estimated completion date of the trial the court is currently hearing, any scheduled trials, and any scheduled leave.

Civil trials expected to last six days or longer shall be brought to the attention of the Coordinators and the Chief Civil Judge or Chief MRJC Judge as early as possible for discussion of reassignment if the assigned judge is unavailable to hear the trial. A criminal department judge may retain a civil case for trial pursuant to the procedure outlined in the Workload Protocol.

Designated Coverage Judge: Judges with civil caseloads are responsible for finding designated judicial coverage for emergency matters and for appropriate motions without oral argument. If a judge is scheduled to be on leave anytime AND the bailiff will be unavailable to handle court matters, the bailiff must designate the coverage judge on the Two Week Availability Report. The Two Week Availability Report is sent to the bailiffs via e-mail every Monday along with the Bailiff Report. The Coordinators will route the designated coverage judge information to the chief judges.

### **16.2 Trial Readiness**

Each court must update KCMS with all pertinent information as it is submitted to the court, whether it is via document, e-mail, or phone call.

Each week, bailiffs should review their scheduled trials for the upcoming two weeks and complete the following steps to ensure that KCMS is up to date:

- Review ECR and SCOMIS for any last minute dismissals or settlement notices
- Contact parties/counsel about trial readiness
- Review and confirm the information on the Joint Confirmation or Pretrial Conference Order.

If the Joint Confirmation was not received and a pretrial conference was not held, bailiffs gather the following information:

- Ascertain if the case is jury or non-jury and confirm the length of trial
- Inquire whether any attorney has a conflict
- Update the status in KCMS: (how many days, if jury or non-jury, correct attorneys and contact info, etc.) so a receiving court will have all relevant information about the case
- Confirm that the parties have complied with mandatory ADR as required by their case schedule, and if not, inquire why not

**Reference Document:** Pretrial Order and Order Requiring Completion of Counsel/Party(ies) Joint Confirmation of Trial Readiness Sample

**Reference Document:** [Joint Confirmation Regarding Trial Readiness Sample](#)

**Reference Document:** [Order Setting Pretrial Conference Sample](#)

**Reference Document:** [Order on Pretrial Conference Sample](#)

Civil Trial Preparation Checklist: Bailiffs are asked to submit a Civil Trial Preparation Checklist to the Seattle and Kent trial assignment coordinators for all civil trials placed on standby.

**Reference Document:** [Civil Trial Preparation Checklist](#)

If case is ready to proceed and the Court will not be able to hear the trial, place the case on standby in KCMS.

A trial is not ready to be re-assigned if any of the following conditions exist:

- Attorneys want to bring a last minute motion to continue (continuances should be heard by the assigned court)
- Attorneys have not complied with the ADR requirement (unless expressly excused in writing by the Court)
- Court has had no contact with the parties
- Court has been notified that the case is not ready for trial for other reasons

If a case is not ready, it should not be sent to the trial assignment process. Rather, the assigned court should manage the case until it is ready or resolve it in some way.

## 17 Processing Standby Trials After Re-assignment

A trial assignment meeting is held weekly (generally Thursday) at which standby cases are assigned for trial. Trial assignments will be announced by e-mail after the meeting. The Trial Assignments web page (go to [www.kingcounty.gov/courts/superiorcourt](http://www.kingcounty.gov/courts/superiorcourt), then click on Civil Standby Calendar) is regularly updated. The Trial Assignments Information Line (206.205.5984) is updated. This information is public and available to counsel and parties.

Once cases are reassigned to other courts or placed on standby, the bailiffs and coordinators must work closely to communicate case status and court availability.

It is the sending bailiff's duty to communicate with the parties as to the reassignment or standby status of all cases. The bailiff's tasks are:

- Notify the parties if a case is on standby. Parties should be told to remain available for the entire week
- Notify parties if a case is reassigned. Advise them of new judge, courtroom number, trial date, and trial time
- Work with parties to obtain all trial materials not yet submitted
- Route trial material to the newly assigned judge
- Complete the Civil Trial Preparation Checklist and attach to the top of trial material being routed to the newly assigned judge

**Reference Document:** [Civil Trial Preparation Checklist](#)

If a standby trial is not reassigned after the first week it is on standby, the parties may remain on standby or make a motion to the assigned judge for a continuance.

All trial material for standby cases remains with the assigned judge until the trial is assigned to a new judge.

If a case is reassigned to another court for trial, the new court may hear a continuance motion. If the motion is granted, the case remains with the newly assigned court.

If a standby trial has settled, or is continued, or the assigned judge removes it from standby, the coordinators shall be notified immediately.

## 18 Judicial Rotation

### 18.1 Case Transfer Schedule

The judicial rotation process begins four months before the effective transfer date. During the months leading up to the effective date, communications are sent out alerting the courts to events that should take place to ensure a smooth transition. The communications are as follows:

All dates described below are approximate.

Four months before the effective date: a reminder e-mail to update KCMS is sent to courts

Six weeks before the effective date: judges who are rotating will receive a list of their cases subject to transfer. Judges will respond within 3 days and identify those cases they wish to retain.

Five weeks before the effective date: a reminder e-mail will go out regarding KCMS updates, the effect that continuances have on the transferring of cases, the date the Orders for Change of Judge will be mailed and whom to contact with questions. The e-mail will also advise that cases that are continued after the six weeks' cut-off will not be automatically transferred.

Three weeks before the effective date: reports identifying cases transferred and cases received will be distributed to each court. UFC Civil Case Specialists will also receive a copy. The cover letter will remind courts that cases will be transferred in KCMS two weeks before the effective date.

### 18.2 Case Transfer Guidelines

Cases are evaluated for eligibility to be transferred based on the following guidelines:

- Only cases with active future trial dates (transfer date or after) are transferred. This eliminates cases in stay status from transfer.
- Asbestos cases are managed by the Chief Asbestos Judge and are not transferred unless by the Chief Asbestos Judge. Note: Asbestos cases filed after January 1, 2011 will be assigned randomly to judges like regular civil cases and given a case schedule. For caseload transfers that happen in 2011 and forward asbestos cases will be part of the regular transfer practice.
- SVP cases are evaluated for transfer on a case by case basis. SVP cases are discussed with Chief Civil to determine proper assignment.
- When a judge is transferred between Seattle and Kent, the judge may retain a civil case, if the judge has been heavily involved in pre-trial case management or the case is scheduled for a lengthy trial that would be

otherwise difficult to schedule. Judges transferred to UFC, Juvenile Court, or Drug Diversion Court shall not retain civil cases, except that judges transferred to UFC will retain SVP assignments.

Caseloads are evaluated and rebalanced when possible.

Generally, 100% of a caseload is transferred from one Judge to another. Certain situations, however, call for partial caseload transfers. For example, partial caseload transfers would occur when Judge retires or when a specific assignment is created/dissolved, such as Assistant Chief Criminal or a second Drug Court Judge.

Criminal judges handle pretrial matters. In order to minimize the number of transfers of a single case, criminal judges will not receive cases that have a trial date within two months of the effective date of the transfer.

To provide enough notice to schedule summary judgment motions with the new judge, orders are mailed out at least 30 days before the effective date of transfer.

The changes to judge assignments in KCMS must be completed one week before the effective date of transfer.

## 19 Case Resolution

The assigned court is responsible for closing its completed cases in KCMS. DJA will assist in this process by sending reports that list cases that have been completed in SCOMIS.

### 19.1 IC Completions/Ex Parte and Probate Completions

An IC Completions report is distributed monthly to each courtroom. The report shows cases that were completed in SCOMIS and are eligible to be closed in KCMS. This report should go to the courtroom clerk for entry of case closures into KCMS.

### 19.2 Clerk's Dismissal Process

The Clerk's dismissal process, authorized in [LCR 41](#), was designed to close cases where parties have failed to bring their cases to completion because of failure to appear for trial, failure to file a final order on settlement, failure to follow the case schedule, failure to file final judgment or appeal following an arbitration award, or for lack of action of record or failure to follow court ordered deadlines. Caseflow management staff in the Clerk's Office monitors cases to completion via an audit process. Cases are not considered completed until final dispositive documents have been received in the Clerk's Office.

REASON FOR DISMISSAL ACTION	NOTICE / ORDER GENERATED	TIME FRAMES FOR CLERK'S DISMISSAL	FINAL DOCUMENT FILED
Missed Status Conference	Order to Appear with notice of Dismissal for non-appearance. Non-compliance fee billed pursuant to King County Code.	65 days after initial Status Conference for Domestic and Paternity Cases.	Dismissal entered on Order on Status Conference.
Notice of Settlement – no Order Disposing of All claims entered.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	45 days after written notice of settlement.	Order of Dismissal entered 14 days after notice.
Arbitration Award – no judgment or appeal entered.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	45 days after filing of award.	Order of Dismissal entered 14 days after notice.
Missed trial date	Order Setting Case Schedule contains notice of dismissal pursuant to King County Code.	45 days after missed trial date.	Order of Dismissal entered. Non-compliance fee billed.
Missed Certificate of Settlement due date.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	45 days indicated on Certificate.	Order of Dismissal entered 14 days after notice.

<b>REASON FOR DISMISSAL ACTION</b>	<b>NOTICE / ORDER GENERATED</b>	<b>TIME FRAMES FOR CLERK'S DISMISSAL</b>	<b>FINAL DOCUMENT FILED</b>
Adjudicated by trial	Clerk's Notice of Dismissal. Non-compliance fee billed.	90 days after trial	Order of Dismissal entered 14 days after notice
No action on case for 1 year	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	12 months after last action of record.	Order of Dismissal entered 45 days after notice.
No case closure on Unlawful Detainer cases.	Notice given to filing party.	60 days after filing	Order of Case Closure entered non-compliance fee billed pursuant to King County Code.

### **19.3 Aged Case Report**

Each quarter, a report with all pending civil and family law cases that appear to be off-schedule in SCOMIS will be prepared.

The Clerk will review pending cases that fall into the following categories:

- Sixty days past trial date and no dispositive document
- On stay status in excess of 12 months with no docket activity or no future review date
- Returned from appeal status, but no assigned trial date

The Clerk will determine the status of any outstanding issues and claims.

A Notice of Clerk's Motion for Dismissal will be mailed to remaining parties in the case. If no action is taken by the parties within 60 days, the Clerk will present an Order of Dismissal to the Chief Civil Judge or Chief MRJC Judge for entry without further notice.

Orders vacating the Clerk's dismissal will require simultaneous entry of either final orders or orders setting trial date.



## **20 Stay of Proceedings**

Occasionally, counsel and/or parties ask that proceedings in Superior Court be stayed. Reasons for this include proposed ADR or settlement negotiations, an interlocutory appeal, or the pending resolution of a criminal case.

If the court grants a stay, the court should enter an order setting forth the reasons for the stay. It is imperative that the court set a review date. The bailiff shall update KCMS if the case is in stay status.

A bankruptcy filing often proves to be problematic. In most circumstances Superior Court loses jurisdiction to take any action as to the party filing the bankruptcy petition, yet notice to the court is rarely given. In addition, the bankruptcy filing as to one party may or may not affect the lawsuit for the remaining parties, or in a domestic relations case, may not affect all issues.

Cases on stay status are not transferred as part of the regular judicial rotation.

## **21 Removal to US District Court**

Cases that have been removed to US District Court are resolved and completed at that time. Upon receipt of a Remand to Superior Court, the Clerk's Office will reopen the case and assign it back to the original judge if the trial date has not passed.

If the trial date has passed, it is the responsibility of the parties to file a motion before Chief Civil and request a new case schedule and judge assignment.

## **22 Appellate Mandates**

When review is accepted by the Court of Appeals and/or the Supreme Court, the Superior Court loses jurisdiction for most purposes until the mandate is received.

Because mandates are transmitted to counsel and the judge who issued the appealed order and are not necessarily transmitted directly to the Clerk's Office, there is no central way to track appellate cases. Thus, it is the individual judge's responsibility to take further action consistent with the mandate. In most cases, counsel will contact the court to schedule further proceedings, but this does not always occur.

The assigned judge receiving the mandate will presumptively handle the civil case to its conclusion. Ordinarily the case remains with the assigned department. However, if the assigned judge has rotated to a new assignment and the mandate requires some action that would substantially interfere with the assigned judge's duties in that new assignment (e.g. the assigned civil judge has now transferred to UFC and the mandate requires a new trial), the assigned judge should alert the appropriate Chief Judge to determine whether the case should be reassigned.

This section applies to civil mandates only. The criminal department has a different process for criminal appeals.

## **23 Civil On-Call Duty Judge (Seattle)**

The designated Civil On-Call Duty Judge should stay in the courthouse until 4:30 each day of the week and should keep open the 4:00-4:30 slot on his or her calendar for walk-in and emergency matters. The Civil On-Call Judge is also designated as the 4-4:30 search warrant judge.

Judges are responsible for finding replacements on their scheduled weeks and notifying Court Operations (Civil Section) of the change.